

FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT**DEC 06 2012**for the
Western District of TexasCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY mg DEPUTY

United States of America)

v.)

Veronica VARGAS)

Case No. EP-12-M-5638-RPM_____
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 05, 2012 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*Title 21 U.S.C. § 841 (a) (1) and
952 (a)*Offense Description*defendant did, knowingly and intentionally possess with the intent to
distribute approximately 49.55 pounds (gross weight) of marijuana, a
Schedule I controlled substance; and did knowingly and intentionally
importation into the United States from Mexico, approximately 49.55 pounds
(gross weight) of marijuana, a Schedule I controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*Complainant's signature*Ernie Marin - Immigration Enforcement Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: 12/06/2012*Judge's signature*City and state: El Paso, TexasRichard P. Mesa - U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

On December 5, 2012 approximately 5:14 p.m., Veronica VARGAS applied for entry into the United States from the Republic of Mexico at the Yselta Port of Entry in El Paso, Texas. VARGAS was the driver and sole occupant of a green 2002 Ford Explorer bearing Texas License Plate BCF2484.

VARGAS approached primary lane number ten and presented herself for inspection into the United States. At primary, U.S. Customs and Border Protection (CBP) Officer Jaime Cisneros conducted a primary binding declaration by asking the driver if she was bringing anything from Mexico such as any fruit, meats, alcohol, firearms, ammunition or anything illegal. VARGAS replied that she was only bringing tablet deodorizers. CBP Officer Jaime Cisneros then asked VARGAS if the vehicle belonged to her and how long she has owned the vehicle. VARGAS replied that the vehicle belonged to her and she has owned it for approximately eight months. CBP officer Jaime Cisneros then asked VARGAS what was the purpose of her visit to Ciudad Juarez, Mexico. VARGAS stated that she had traveled to Ciudad Juarez, Mexico to give a presentation for her beauty products. During the course inspection CBP officer Jaime Cisneros noticed VARGAS would not maintain eye contact and had a tight grip on the vehicle steering wheel. CBP Officer Jaime Cisneros performed an inspection on the vehicle by opening the rear door to inspect the roof area with his hand. After hitting the roof of the vehicle, CBP Officer Jaime Cisneros felt something rattle inside the roof area. He re-hit the roof area to verify the rattle and the rattle was felt again in the vehicle roof area. CBP Officer Jaime Cisneros then questioned VARGAS if she was responsible for the vehicle and if anybody else had driven the vehicle beside herself in Ciudad Juarez, Mexico. VARGAS replied that she was responsible for the vehicle and that no one else had driven the vehicle besides her. CBP Officer Jaime Cisneros proceeded to ask VARGAS if any repairs or modifications were made to the vehicle in Ciudad Juarez, Mexico and VARGAS replied that no repairs were made to the vehicle in Ciudad Juarez, Mexico. CBP Officer Jaime Cisneros then proceeded to write a secondary referral slip and walked the Green 2002 Ford Explorer into the secondary inspection area for a further inspection.

CBP Officer Jesus Moran took a secondary binding declaration from VARGAS. CBP officer Moran asked VARGAS if

the vehicle belonged to her and VARGAS replied, "Yes". CBP Officer Jesus Moran then asked VARGAS on how long she owned the vehicle and VARGAS replied eight months. CBP Officer Jesus Moran then asked VARGAS what she was doing in Mexico and VARGAS replied that she was promoting her skin care products. CBP Officer Jesus Moran then asked VARGAS if she was responsible for everything in the vehicle. VARGAS replied "Yes". At that time, CBP Officer Jesus Moran advised VARGAS to step of her vehicle.

In the secondary Inspection area, Canine Enforcement Officer Joe Vega conducted an inspection of the vehicle with his Narcotic Detection Dog, "RICO". RICO alerted to the roof of VARGAS'S vehicle. CEO Joe Vega then proceeded to pull back the roof lining and exposed a non-factory compartment mounted onto the roof. Further inspection of the green 2002 Ford Explorer revealed a total of 45 clear tape-wrapped bundles concealed within the roof compartment of the vehicle. CBP Officer Jesus Moran field tested and proved positive for the characteristics of marijuana. The total gross weight of the suspected marijuana was 49.55 pounds.

United States Immigration and Customs Enforcement (ICE) Agent Ernie Marin and Homeland Security Investigation (HSI) Special Agent Nestor Canales arrived at the Ysleta Port of Entry and began an investigation. IEA Ernie Marin read VARGAS her Miranda Statement of Rights in the Spanish language. VARGAS acknowledged in writing that she understood her rights and agreed to make a voluntary statement without the presence of an attorney. VARGAS stated that she did not know that the green 2002 Ford Explorer that she was driving contained marijuana. VARGAS also stated that the vehicle was with her at all times except when stopping at SAM'S, S-MART super market and when she stopped at a residence to do a presentation for her beauty products. VARGAS added that the vehicle was always secured and the vehicle keys were on her person at all times. VARGAS also stated that no one else had driven the vehicle while in Ciudad Juarez, Mexico.